

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**BUSINESS AND LABOR COMMITTEE**

DATE: 1-24-07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. SCOTT MENDENHALL, CHAIR	✓	
REP. MIKE MILBURN, VICE CHAIR	✓	
REP. JIM KEANE, VICE CHAIR	✓	
REP. ELSIE ARNTZEN	✓	
REP. SHANNON AUGARE	✓	
REP. SCOTT BOGGIO	✓	
REP. ERNIE DUTTON	✓	
REP. KEVIN FUREY	✓	
REP. RALPH HEINERT	✓	
REP. LLEW JONES	✓	
REP. HARRY KLOCK	✓	
REP. MICHELE REINHART	✓	
REP. WAYNE STAHL	✓	
REP. BILL THOMAS	✓	
REP. KENDALL VAN DYK	✓	
REP. JONATHAN WINDY BOY	✓	



## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 4

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 65** (first reading copy - white) do pass as amended.

Signed:   
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, line 6 through line 7.

**Strike:** "DESIGNATING" on line 6 through "ACT;" on line 7

2. Title, line 9 through line 11.

**Following:** "LAWS;"

**Strike:** "PROVIDING" on line 9 through "PURPOSES;" on line 11

3. Title, line 13.

**Following:** "FACTOR;"

**Insert:** "PROVIDING THAT CERTAIN INFORMATION REGARDING SUBSEQUENT INJURY CERTIFICATION IS PART OF THE WORKERS' COMPENSATION DATABASE SYSTEM AND MAY BE RELEASED UNDER SPECIFIED CONDITIONS TO AN INSURER; LIMITING LIABILITY OF INJURED EMPLOYEES TO THIRD-PARTY PROVIDERS AND PROVIDING FOR ACTIONS BY THIRD-PARTY PROVIDERS AGAINST UNINSURED EMPLOYERS FOR SERVICES TO AN EMPLOYEE THAT ARE NOT REIMBURSED BY THE UNINSURED EMPLOYERS' FUND;"

4. Title, line 16.

**Strike:** "39-71-203,"

**Insert:** "39-71-225",

**Following:** "39-71-503,"

**Insert:** "39-71-508,"

5. Page 2, line 22 through page 3, line 2.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

6. Page 3, lines 10 through 21.

**Committee Vote:**

Yes 16, No 0

Fiscal Note Required \_\_\_\_

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jbn

**Strike:** section 4 in its entirety

**Insert:** "Section 3. Section 39-71-225, MCA, is amended to read:

**"39-71-225. Workers' compensation database system.** (1) The department shall develop a workers' compensation database system to generate management information about Montana's workers' compensation system. The database system must be used to collect and compile information from insurers, employers, medical providers, claimants, claims examiners, rehabilitation providers, and the legal profession.

(2) Data collected must be used to provide:

(a) management information to the legislative and executive branches for the purpose of making policy and management decisions, including but not limited to:

(i) performance information to enable the state to enact remedial efforts to ensure quality, control abuse, and enhance cost control;

(ii) information on medical, indemnity, and rehabilitation costs, utilization, and trends;

(iii) information on litigation and attorney involvement for the purpose of identifying trends, problem areas, and the costs of legal involvement;

(b) current and prior claim information to any insurer that is at risk on a claim, or that is alleged to be at risk in any administrative or judicial proceeding, to determine claims liability or for fraud investigation. The department may release information only upon written request by the insurer and may disclose only the claimant's name, claimant's identification number, prior claim number, date of injury, body part involved, and name and address of the insurer and claims examiner on each claim filed. Information obtained by an insurer pursuant to this section must remain confidential and may not be disclosed to a third party except to the extent necessary for determining claim liability or for fraud investigation, ~~and~~.

(c) current and prior claim information to law enforcement agencies for purposes of fraud investigation or prosecution; ~~and~~

(d) to any insurer that is at risk on a claim, information identifying whether the claimant has been certified by the department as a person with a disability. Information obtained by an insurer pursuant to this subsection (2)(d) must remain confidential and may not be disclosed to a third party except as necessary to implement the provisions of Title 39, chapter 71, part 9. An insurer may disclose to the employer that the claimant has been certified by the department and of the potential for a limit on the insurer's liability and of potential reimbursement by the subsequent injury fund.

(3) The department is authorized to collect from insurers, employers, medical providers, the legal profession, and others the information necessary to generate the workers' compensation database system.

(4) The workers' compensation database system must be designed in accordance with the following principles:

- (a) avoidance of duplication and inconsistency;
  - (b) reasonable availability of data elements;
  - (c) value of information collected to be commensurate with the cost of retrieving the collected information;
  - (d) uniformity to permit efficiency of collection and to allow interstate comparisons;
  - (e) a workable mechanism to ensure the accuracy of the data collected and to protect the confidentiality of collected data;
  - (f) reasonable availability of the data at a fair cost to the user;
  - (g) a broad application to plan No. 1, plan No. 2, and plan No. 3 insurers;
  - (h) compatibility with electronic data reporting;
  - (i) reporting procedures that can be handled through private data collection systems that adhere to the provisions of subsections (4)(a) through (4)(h);
  - (j) implementation of reporting requirements that allow reasonable lead time for compliance.
- (5) The department shall publish an annual report on the information compiled.
- (6) Users of information obtained from the workers' compensation database under this section are liable for damages arising from misuse or unlawful dissemination of database information.
- (7) An insurer or a third-party administrator who submitted 50 or more "first reports of injury" to the department in the preceding calendar year shall electronically submit the reports and any other reports related to the reported claims in a nationally recognized format specified by department rule.
- (8) The department may adopt rules to implement this section."

**Renumber:** subsequent sections

7. Page 4, line 17.

**Following:** "necessary for"

**Strike:** "the administration of the fund and for"

8. Page 4, following line 18.

**Insert:** "Section 5. Section 39-71-508, MCA, is amended to read:

**"39-71-508. Coordination of remedies -- limitation of liability of employee to third-party providers -- rights of third-party providers. (1) An employee who suffers an injury arising out of and in the course of employment while working for an uninsured employer, as defined in 39-71-501, or an employee's beneficiaries in injuries resulting in death may pursue all remedies concurrently, including but not limited to:**

**(1)(a) a claim for benefits from the uninsured employers' fund;**

**(2)(b) a damage action against the employer in accordance**

with 39-71-509;

~~(3)(c)~~ an independent action against an employer as provided in 39-71-515; or

~~(4)(d)~~ any other civil remedy provided by law.

(2) An employee who is entitled to recover under this part is not liable to any third-party provider for services provided to the employee that are not reimbursed by the uninsured employers' fund.

(3) A third-party provider that is not fully reimbursed by the uninsured employers' fund for services provided to an injured employee may bring an action directly against the uninsured employer for the amount of services that were not paid by the uninsured employers' fund."

**Renumber:** subsequent sections

9. Page 7, line 28.

**Strike:** "(1)"

**Strike:** "3"

**Insert:** "2"

10. Page 7, line 29.

**Strike:** "3"

**Insert:** "2"

11. Page 7, line 30 through page 8, line 1.

**Strike:** subsection (2) in its entirety

12. Page 8, line 5.

**Strike:** "5"

**Insert:** "4"

- END -



## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 72** (first reading copy - white) do pass as amended.

Signed: \_\_\_\_\_

*Scott Mendenhall*  
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, line 6.

**Strike:** "DESIGNATING"

**Insert:** "ESTABLISHING REQUIREMENTS FOR"

**Strike:** "A CRIMINAL JUSTICE AGENCY FOR"

**Insert:** "PERTAINING TO"

2. Title, line 8 through line 9.

**Strike:** "REQUIRING" on line 8 through "ORGANIZATIONS;" on line 9

3. Page 1, line 16 through line 18.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 3, line 7 through line 11.

**Strike:** "Each" on line 7 through "(5)(b)(i)." on line 11

**Insert:** "As a prerequisite to the issuance of a license, the department shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation.

(ii) The applicant shall sign a release of information to the department and is responsible to the department of justice for the payment of all fees associated with the criminal background check.

(iii) Upon completion of the criminal background check, the department of justice shall forward all criminal justice information, as defined in 44-5-103, concerning the applicant that involves the conviction of a criminal offense in any jurisdiction to the department, as authorized in

**Committee Vote:**

**Yes 16, No 0**

Fiscal Note Required \_\_\_\_\_

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44-5-303.

(iv) At the conclusion of any background check required by this section, the department must receive the criminal background check report but may not receive the fingerprint card of the applicant. Upon receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the applicant.

(c) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the department that the applicant is sufficiently rehabilitated to warrant the public trust, and if the department determines that the applicant is not, the license may be denied."

5. Page 9, line 7 through line 8.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

- END -



## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 145** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Scott Mendenhall*  
Representative Scott Mendenhall, Chair

**And, that such amendments read:**

1. Page 1, line 16.  
**Following:** "~~licenses,~~"  
**Insert:** "licenses,"
2. Page 1, line 19.  
**Following:** "~~licenses,~~"  
**Insert:** "licenses,"
3. Page 2, line 16.  
**Following:** "~~licenses,~~"  
**Insert:** "licenses,"

- END -

**Committee Vote:**

**Yes 14, No 2**

Fiscal Note Required \_\_\_\_

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*jbu*  
1/25/07





## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 190** (first reading copy -- white) do pass as amended.

Signed: Scott Mendenhall  
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, line 5.

**Following:** "23-5-317,"

**Strike:** "23-5-324,"

2. Page 7, line 20.

**Strike:** "at all times"

**Insert:** "upon request"

3. Page 9, line 26 through page 10, line 3.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

4. Page 11, line 3.

**Strike:** "8"

**Insert:** "7"

5. Page 11, line 4.

**Strike:** "8"

**Insert:** "7"

- END -

Committee Vote:

Yes 15, No 1

Fiscal Note Required       

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ijb  
1/25/07



## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 286** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Representative Scott Mendenhall, Chair*

And, that such amendments read:

1. Page 1, line 29.

**Strike:** "20%"

**Insert:** "14%"

2. Page 1, line 30.

**Following:** "U.S."

**Insert:** "bureau of the"

**Following:** "census"

**Strike:** "bureau's small area income and poverty"

3. Page 3, line 25.

**Strike:** "more advantageous"

**Insert:** "50% to 100%"

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required \_\_\_\_

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1/25/07  
jbn



## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 319** (first reading copy -- white) **do pass as amended**.

Signed: \_\_\_\_\_

*Scott Mendenhall*  
Representative Scott Mendenhall, Chair

**And, that such amendments read:**

1. Title, line 5 through line 6.

**Strike:** "REVISING" on line 5 through "CONTRACTS;" on line 6

**Insert:** "AND"

2. Title, line 7 through line 8.

**Strike:** ";" through "MCA"

3. Page 2, line 4 through line 14.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

4. Page 3, line 14.

**Strike:** "3 and 4"

**Insert:** "2 and 3"

5. Page 3, line 15.

**Strike:** "3 and 4"

**Insert:** "2 and 3"

- END -

**Committee Vote:**

**Yes 14, No 2**

Fiscal Note Required \_\_\_\_

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*jbn*  
1/25/07



See  
Nancy  
Em. 451

## HOUSE STANDING COMMITTEE REPORT

January 25, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 333** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Scott Mendenhall*  
Representative Scott Mendenhall, Chair

- END -

Committee Vote:

Yes 15, No 1

Fiscal Note Required \_\_\_\_\_

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*jh*  
1/25/07

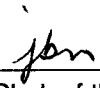
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## COMMITTEE FILE COPY

### TABLED BILL

The **HOUSE BUSINESS AND LABOR COMMITTEE** Tabled HJ 11, by motion, on **Wednesday,**  
**January 24, 2007.**

  
(For the Committee)

  
(Chief Clerk of the House)

8:30 / 1/25  
(Time) (Date)

January 25, 2007

Nancy Kraft, Secretary

Phone: 444-7353

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# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### BUSINESS & LABOR COMMITTEE

DATE 1-24-07 BILL # HB 72 MOTION # 3

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR	✓		
REP. JIM KEANE, VICE-CHAIR	✓		
REP. BILL THOMAS	✓		
REP. RALPH HEINERT	✓		
REP. ERNIE DUTTON	✓		
REP. JONATHAN WINDY BOY	✓		
REP. HARRY KLOCK	✓		
REP. WAYNE STAHL	✓		
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		

16-0

# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### BUSINESS & LABOR COMMITTEE

DATE 1-24-07 BILL # 145 MOTION # 3

*Pass as Amended*

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR	✓		
REP. JIM KEANE, VICE-CHAIR	✓		
REP. BILL THOMAS	✓		
REP. RALPH HEINERT		✓	
REP. ERNIE DUTTON	✓		
REP. JONATHAN WINDY BOY	✓		
REP. HARRY KLOCK	✓		
REP. WAYNE STAHL		✓	
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		

14-2

# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### BUSINESS & LABOR COMMITTEE

DATE 1-24-07 BILL # HB 190 MOTION # 5

19003  
to Rep  
Amendment  
19003

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR		✓	
REP. JIM KEANE, VICE-CHAIR		✓	
REP. BILL THOMAS		✓	
REP. RALPH HEINERT		✓	
REP. ERNIE DUTTON		✓	
REP. JONATHAN WINDY BOY	✓		
REP. HARRY KLOCK		✓	
REP. WAYNE STAHL		✓	
REP. MICHELE REINHART		✓	
REP. LLEW JONES		✓	
REP. ELSIE ARNTZEN		✓	
REP. SHANNON AUGARE	✓		
REP. SCOTT BOGGIO		✓	
REP. KEVIN FUREY		✓	
REP. KENDALL VAN DYK		✓	
REP. SCOTT MENDENHALL, CHAIR		✓	

2-14



# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### BUSINESS & LABOR COMMITTEE

DATE 1-24-07 BILL # 333 MOTION # 1

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR	✓		
REP. JIM KEANE, VICE-CHAIR	✓		✓
REP. BILL THOMAS	✓		
REP. RALPH HEINERT	✓		
REP. ERNIE DUTTON	✓		
REP. JONATHAN WINDY BOY	✓		
REP. HARRY KLOCK	✓		
REP. WAYNE STAHL	✓		
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR		✓	

15-1

# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### BUSINESS & LABOR COMMITTEE

DATE 1-24-07 BILL # 1311 MOTION # 1

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR		✓	
REP. JIM KEANE, VICE-CHAIR	✓		✓
REP. BILL THOMAS		✓	
REP. RALPH HEINERT		✓	
REP. ERNIE DUTTON		✓	
REP. JONATHAN WINDY BOY	✓		
REP. HARRY KLOCK		✓	
REP. WAYNE STAHL		✓	
REP. MICHELE REINHART	✓		
REP. LLEW JONES		✓	
REP. ELSIE ARNTZEN		✓	
REP. SHANNON AUGARE		✓	
REP. SCOTT BOGGIO		✓	
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR		✓	

5-11

## Visitors' Register

## BUSINESS & LABOR COMMITTEE

Date 1-24-07

Bill Nos. HB 353, 378, 393 Sponsor(s) Rep. Dutton, Wendy Boy, Hervey

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**